

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

V.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION

NO. 04-CV-325 (ERIE)

Judge Sean J. McLaughlin

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT ON COUNTS I, IV,
V, AND VI OF THE COMPLAINT**

Plaintiff Indeck Keystone Energy, LLC (“IKE”), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 56, hereby moves for partial summary judgment on Counts I, IV, V, and VI of its Complaint.

For the reasons set forth in the accompanying Memorandum of Law, which is incorporated by reference and is being filed contemporaneously herewith, there is no dispute of material fact, and IKE is entitled to a judgment of liability against VEO as a matter of law on its claims for trademark infringement (Count I), misappropriation of trade secrets (Count IV), unfair competition (Count V), and unjust enrichment (Count VI). There will remain the factual issue of damages to be decided on those counts.

WHEREFORE, Plaintiff Indeck Keystone Energy, LLC respectfully requests that this Honorable Court grant this Motion and enter judgment in its favor and against Victory Energy Operations, LLC on Counts I, IV, V, and VI of the Complaint.

Respectfully submitted,

/s/ John K. Gisleson

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Dated: March 6, 2006